

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT CASWELL and LISA
CASWELL, husband and wife,

Plaintiffs,

v.

OLYMPIC PIPELINE COMPANY, et al.,

Defendants.

CASE NO. C10-5232BHS

SHOW CAUSE ORDER

This matter comes before the Court on Plaintiffs' ("Caswells") motion for reconsideration (Dkt. 41) of the Court's order granting summary judgment in favor of all Defendants (Dkt. 39). The Court has considered the pleadings filed in support of the motion and the remainder of the file and hereby orders the Caswells and Atlantic Richfield Company ("ARCO") to show cause as discussed herein.

On July 22, 2010, the Court granted summary judgment in favor of all Defendants, concluding that the Oregon Statute of Repose applied to the instant matter and thereby precluded the Caswells from asserting their claims. *See* Dkt. 39. On August 5, 2010, the Caswells moved for reconsideration on the basis that the Court erred in dismissing their claims against all parties, including ARCO. *See* Dkt. 41. They assert that ARCO did not


1 join or move the Court for summary judgment and, therefore, the Court erred in granting
2 summary judgment in their favor. *See id.*

3 The Court has reviewed the Caswells' complaint. Dkt. 34-2. It appears to the Court
4 that the Caswells' complaint asserts the same facts, allegations, and theories for relief
5 against ARCO that were rejected as a matter of law with respect to the Defendants who
6 moved for summary judgment. *See* Dkt. 39 (concluding that Oregon's Statute of repose
7 operates to preclude the Caswells' claims). It is unclear to the Court what the Caswells
8 believe is unique about their claims against ARCO that the Court did not reject in its
9 summary judgment order (Dkt. 39).

10 The Court **ORDERS** the Caswells and ARCO to **show cause** why it should not
11 deny the motion for reconsideration. Specifically, the parties shall address applicability or
12 inapplicability of the summary judgment order (Dkt. 39) to the claims and theories
13 brought by the Caswells against ARCO. The parties shall file simultaneous responses to
14 this order on September 8, 2010; the responses shall not exceed ten pages.

15 DATED this 25th day of August, 2010.

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BENJAMIN H. SETTLE
United States District Judge